

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

TYRA HARRISON)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 24cv384
)	
RVA DIRT, LLC)	
Serve: Melissa Martin Vaughn)	
2500 5 th Ave.)	
Richmond, VA 23222)	
)	
and)	
)	
BECCA DUVALL)	
Serve: 2500 5 th Ave.)	
Richmond, VA 23222)	
)	
Defendants.)	

COMPLAINT

Plaintiff Tyra Harrison, by counsel, states as follows for her Complaint against defendants RVA Dirt, LLC and Becca Duvall.

NATURE OF ACTION

1. On its website, RVA Dirt proudly says it is “four busy women making time to stick their noses into Richmond politics.”¹ On “X” (formerly Twitter), it touts its affinity or “[g]etting dirty in the community and local government.”² And its members have been publicly lauded as the “Savviest, Shadiest Pundits In The City.”³

¹ <http://www.rvadirt.com/about-us> (visited on March 29, 2024).

² <https://twitter.com/RVAdirt> (visited on March 29, 2024).

³ <https://rvamag.com/politics/virginia-politics/meet-the-savviest-shadiest-pundits-in-the-city-rva-dirt.html> (visited on March 29, 2024).

2. Unfortunately, when RVA Dirt recently posted about Harrison, its so-called punditry crossed the line from “edutainment”⁴ – RVA Dirt’s cheeky description for its content -- into unlawful conduct. Specifically, on January 18, 2024, Duvall, for herself and for RVA Dirt, posted an article titled “The Altria Shooting and the Attorney-Client-Public Report.” Ostensibly, the article was about the details of an important report that had just been made public as the result of a lawsuit under the Virginia Freedom of Information Act. The report, prepared by a local law firm at the direction of the City of Richmond Public Schools (the “School System” or “RPS”), involved a tragic shooting that occurred on June 6, 2023, immediately after a high school graduation ceremony at the Altria Theater in downtown Richmond, Virginia.

3. The RVA Dirt article, however, sharply deviated from the report itself and all but morphed into a gossip column about Harrison, the former Executive Director of Teaching and Learning for RPS. Indeed, even though Harrison was not connected in any way to the shooting (she had left Richmond *months* before the shooting took place), the RVA Dirt article, **using allegations that were nowhere contained in the report**, focused on **her**. It said she was an “aggrieved underling” who “went after” the then-RPS Chief of Staff (Michelle Hudacsko) and “set off [a]. . . wave of resignations”; who “had been denied [the RPS Chief Academic Officer] position” “so she” retaliated by filing “unsubstantiated allegations of abuse against Hudacsko”; who “quit before she could be fired,” and who, in essence, caused the entire leadership void that allowed the shooting to happen. All of these statements are false and defamatory. Harrison therefore files this lawsuit to protect her good name and hold the defendants liable for their actions.

⁴ <http://www.rvadirt.com/about-us> (visited on April 2, 2024).

PARTIES

4. Harrison is an individual resident of El Paso, Texas and citizen of Texas.

5. RVA Dirt is, and at all relevant times has been, a limited liability company organized under the laws of Virginia. Upon information and belief, all of the members of the limited liability company are citizens of the Commonwealth of Virginia.

6. Duvall is an individual resident of Richmond, Virginia and citizen of the Commonwealth of Virginia.

JURISDICTION AND VENUE

7. This Court has as subject matter jurisdiction pursuant to the “diversity jurisdiction” provisions of 28 U.S.C. § 1332. In particular, Harrison is a citizen of Texas; the defendants are each citizens of the Commonwealth of Virginia; and the amount in controversy exceeds \$75,000.

8. Venue is proper in this district and division pursuant to 28 U.S.C. § 1391, as this is the district and division where a substantial part of the events or omissions giving rise to the claim occurred.

FACTUAL BACKGROUND

A. HARRISON WORKS FOR RPS FROM AUGUST 2019 TO FEBRUARY 2023.

9. Harrison is a lifelong educator. She has over thirty years of work experience in the realm of public education and holds Master’s degrees in both School Administration and in Curriculum and Technology.

10. From August 2019 through February 2023, Harrison worked for RPS. She held various positions at the School System during this time, and ultimately worked as the Executive Director of Teaching and Learning from September 2021 through February 2023.

11. Harrison’s last day of employment at RPS was February 17, 2023.

12. Harrison's departure from her RPS was entirely voluntary. In the fall of 2022, Harrison learned her husband, who is in the military, would be stationed at Ft. Bliss, near El Paso Texas, in June of 2023. She also knew she would be joining him in Texas. As such, in November of 2022, Harrison began applying for jobs in El Paso.

13. Harrison's decision to seek out jobs in Texas had nothing to do with concerns about her job performance with RPS, or with concerns that she might be fired from her job. To the contrary, at all times while she was employed with RPS, Harrison received excellent performance reviews and salary increases. She received no discipline – formal or otherwise – while at RPS, and no one at RPS ever gave her any suggestion or hint that her employment at RPS was, or might be, in jeopardy.

14. Ultimately, Harrison accepted a position with the El Paso Independent School District in El Paso, Texas, where she currently works today. Since leaving the Richmond area more than a year ago in 2023, Harrison has had no public roles and has held no official or governmental positions with any governmental or public entity in Virginia.

B. THE TRAGIC SHOOTING ON JUNE 6, 2023.

15. In the late afternoon of June 6, 2023, following the graduation ceremony for Huguenot High School ("HHS") at the Altria Theater in downtown Richmond, Virginia, six people were shot in Monroe Park, which is adjacent to the theater. Two of the victims – a HHS graduate and his stepfather – died. Five others suffered serious gunshot wounds.

16. The shooting stunned Richmond. Richmond Mayor Levar Stoney called the shooting tragic and traumatic, and he said at the time: "The question that comes to my mind right now is, is nothing sacred any longer? Is nothing sacred any longer?"⁵

⁵ <https://www.wtvr.com/news/local-news/altria-theater-graduation-shooting-june-6-2023> (visited on May 17, 2024).

C. THE SANDS ANDERSON REPORT.

17. In response to the shooting, the RPS School Board hired a local law firm, Sands Anderson, to investigate the matter and issue a report. Sands Anderson was ***not*** tasked with trying to find out how or why the shooting happened or whether the shooting somehow could have been prevented. Instead, it was specifically directed to focus on three “discrete areas of inquiry”:

- To “Report all findings . . . that include graduation day operations from set up, to break down, and to include process and procedures for entrance of all students and guests”;
- “To Report . . . any findings that include written statements from RPS Division staff and HHS staff ***involved with the June 6 graduation preparations of all graduations on June 6.***; and
- To “Include in the third-party review, the breakdown of our homebound process and procedures that directly impact grading.”

See Sands Anderson Report, page 1 (emphasis added).⁶

18. None of those areas – especially the preparations for the June 6 graduations - implicated Harrison in any way. Indeed, although Sands Anderson interviewed at least twenty-nine (29) individuals in connection with its investigation, it did not interview – or seek to interview – Harrison.

D. THE VFOIA LITIGATION AND THE RELEASE OF THE SANDS ANDERSON REPORT.

19. After the Sands Anderson Report was completed and submitted to the RPS School Board, the School Board voted not to make the report public. Litigation seeking the disclosure of the report under the Virginia Freedom of Information Act commenced soon thereafter.

⁶<https://resources.finalsite.net/images/v1705512766/rvaschoolsnet/uoot32dgc4qelktczv1q/RedactedSandsAndersonReport1.pdf> (visited on May 17, 2024).

20. After a full-day evidentiary hearing/trial on January 12, 2024, the Circuit Court for City of Richmond ordered that the entire Sands Anderson report – with “minimal redactions” -- be made public.

21. The report was then made public on January 17, 2024.

E. IMMEDIATE MEDIA COVERAGE OF THE SANDS ANDERSON REPORT.

22. On the day the report was released, numerous Richmond-area media outlets ran news stories about it. The gist of most, if not all, of those stories was that RPS officials had prior security concerns about the safety of victim and that RPS officials allowed the student victim to participate in the graduation ceremony without proper consideration of the safety concerns.⁷

23. None of these stories focused on, or mentioned, Harrison.

F. RVA DIRT PUTS ITS OWN “SPIN” ON THE SANDS ANDERSON REPORT.

24. A day later, on January 18, 2024, RVA Dirt put its own “spin” on the Sands Anderson Report. At that time, RVA Dirt, under the byline of “Becca Duvall,” posted on its website (rvadirt.com) a multi-paragraph article titled “The Altria Shooting and the Attorney-Client-Public Report” (the “Article”).⁸

25. Like the news stories from the day before, the Article begins with an analysis of the safety concerns surrounding the June 6, 2023 HHS graduation ceremony.

⁷ See, e.g., <https://www.wric.com/news/local-news/richmond/richmond-city-school-board-releases-huguenot-graduation-mass-shooting-report/> (visited on May 17, 2024); https://richmond.com/news/local/crime/findings-huguenot-shooting-rps/article_8f07824e-b575-11ee-9f23-2bb01b95d2e8.html (visited on May 17, 2024); and <https://www.wtvr.com/news/local-news/richmond-graduation-shooting-report-jan-17-2024> (visited on May 17, 2024).

⁸ <http://www.rvadirt.com/blog/2024/1/17/Okni9rzwymzmiofw30s6ha8gfvlu> (visited on May 17, 2024).

26. However, the Article then drastically shifts gears and turns its focus to a topic Duvall and RVA Dirt *wanted to address on their own as part of their own agenda*. To this end, the Article states that while the report is “damning,” it is damning for the reasons that RVA Dirt conjures up, “not for the reasons the Board blowhards told local media.”

27. Instead, RVA Dirt says “[t]he ***real shoe*** drops” around page 251 of the interview transcripts and emails that the Sands Anderson investigators compiled. Article (emphasis added). That is part of a transcript where Chief Academic Officer of Secondary Education, Solomon Jefferson, told investigators a “disastrous” story of high-profile central office vacancies at RPS at the start of the 2022-2023 school year. According to RVA Dirt, this was the report’s *true* damning narrative – that is, high-profile vacancies at the central office -- because this narrative seemingly *helped allow* the circumstances that led to the June 6, 2023 shooting.

28. This is where the Article turns its fire on Harrison. In discussing Mr. Jefferson (who the Article calls “Solomon”), the Article says he was working on a personnel transition when “his boss, Tyra Harrison, Director⁹ of Teaching and Learning, . . . ***‘went after’*** the Chief of Staff, Michelle Hudacsko, and ***set off another wave of resignations.***” *Id.* (emphasis added). In a parenthetical in that same sentence, the Article describes Harrison as ***“another aggrieved underling.”*** *Id.* (emphasis added).

29. The Article then veers into the land of fantasy and gossip. Astonishingly, it says: ***“Rumor has it*** that Tyra [Harrison] had been denied that CAO position, ***so*** she filed unsubstantiated allegations of abuse against Hudacsko, took her own FMLA break, then (per a source) ***‘quit before she could be fired.’*** *Id.* (emphasis added).

⁹ Harrison’s actual title was “Executive Director,” not “Director.”

30. The Article goes on to comment about Mr. Jefferson’s negative remarks about Harrison, saying she and one of her colleagues “were there, [but] they ***weren’t really present***” which left “other folks holding the bag.” *Id.*

31. Finally, the Article seeks to “connect the dots” between the vacancies at the RPS central office and the June 6, 2023 shooting by putting the responsibility for checking on the safety of the various high school graduation ceremonies on the RPS central office. As the Article states: “Someone from central office probably should have thought to ask – to identify particularly challenging cases and offer support.” *Id.*

32. But apparently no one from central office did, and the Article lays the blame for this failure to communicate squarely at the feet of Harrison. Specifically, immediately after the above-quoted sentence, the Article says: “But the ***woman (Tyra) responsible for the 2023 graduations was a no-show after ‘about a month’ on the job*** -- and the guy (Solomon) forced to fill her shoes was ‘actually doing 3 jobs’ and didn’t even ‘have a high school background. Obviously, this was NOT ideal.” *Id.* (capitalization in original; bold and italics added).

33. The clear conclusion? Harrison, directly or indirectly, was somehow to blame for the June 6, 2023 shooting after the HHS graduation ceremony.

34. At no time prior to, or as part of, the publication of the Article did RVA Dirt or Duvall reach out to Harrison for comment or input.

G. RVA DIRT’S STATEMENTS ABOUT HARRISON ARE FALSE.

35. RVA Dirt’s statements about Harrison are categorically and provably false, to wit: (i) Harrison did not “go after” Hudacsko in retaliation for, or because of, being denied the CAO position; (ii) Harrison did not file any unsubstantiated allegations of abuse against Hudacsko because she was denied the CAO position; (iii) Harrison did not cause or “set off”

any wave of resignations at RPS; (iv) Harrison did not “quit before she could be fired” at RPS; (v) Harrison was not an “aggrieved underling”; (vi) Harrison was not checked out or somehow “not present” mentally while working at RPS; (vii) Harrison was not “responsible” for the 2023 graduations as part of her job at RPS nor was she Mr. Jefferson’s “boss”; (viii) Harrison was not a “no show” after about a month on the job; and (xi) Harrison did not in any way cause any vacancies or a leadership vacuum that led to the June 6, 2023 shooting following the HHS graduation ceremony.

H. RVA DIRT’S TWISTING OF THE SANDS ANDERSON REPORT TO FOCUS ON HARRISON AND AN ALLEGED LACK OF STAFFING AT RPS IS PART OF A PRE-CONCEIVED NARRATIVE THAT HAS LONG BEEN AN AGENDA FOR DUVALL.

36. RVA Dirt’s twisting of the meaning of the Sands Anderson Report, while unlawful and defamatory, is not a total surprise. Indeed, the Article’s author, Duvall, is, and has been, a frequent and vocal public critic¹⁰ of RPS and the School Board.

37. Most notably, in a July 2022 news story which RVA Dirt actually cites to and quotes in the Article, Duval, speaking about recent RPS resignations, says “I’m concerned. I’m concerned about burnout. I’m concerned about efficiency.”¹¹

38. In other words, rather than focus on the “discrete areas” identified in the Sands Anderson report and comment about those issues, DuVall and RVA Dirt chose to use

10 See, e.g., <https://www.wric.com/news/local-news/richmond/fox-elementary-fire-alarm-system-did-not-call-company-due-to-missing-area-code/> (visited on May 17, 2024) (quoting Duvall); <https://richmondmagazine.com/news/education/stoking-the-flames> (visited on May 17, 2024) (same); <https://www.wric.com/news/local-news/richmond/parents-leaders-outraged-over-river-city-middle-decision-it-is-unreasonable/> (visited on May 17, 2024) (same); <https://www.wtvr.com/news/local-news/this-new-richmond-school-is-already-overcrowded-leaders-cant-agree-on-a-solution> (visited on May 17, 2024) (same).

11 <https://www.wtvr.com/news/local-news/superintendent-says-rps-is-stretched-very-very-thin-after-another-administration-resignation> (visited on May 17, 2024).

the Sands Anderson report as an opportunity to further their own pre-conceived narrative about criticizing RPS staffing levels and personnel.

I. DAMAGES.

39. As a result of the Article, Harrison has suffered substantial emotional distress and reputation harm.

**COUNT I -- DEFAMATION
(AGAINST BOTH DEFENDANTS)**

40. The allegations of paragraphs 1-39 are realleged as if fully set forth herein.

41. Harrison has been defamed by Defendants' false statements about her and false implications from their statements about her in the Article. These false statements and implications are specifically referenced and previously set forth in paragraphs 28-33, and 35 the Complaint. More broadly, contrary to the false implications and innuendos from the Article, Harrison neither directly nor indirectly caused or was responsible for any conditions or circumstances that led to the June 6, 2023 shooting following the HHS graduation ceremony.

42. These false statements were published, and they were made with the requisite intent to defame Harrison.

43. The statements at issue are false and purport to be statements of fact, not statements of opinion.

44. Moreover, the false statements all involve the efforts of Defendants to demean and disparage Harrison and to falsely accuse her of potential criminal conduct, unprofessional occupational activities, prejudice in her profession, unfitness to perform the duties of her job and/or a lack of integrity in the performance of her duties, and thus these statements constitute defamation per se.

45. As a proximate cause of the conduct of Defendants, Harrison has suffered substantial compensatory damages, including as severe mental and emotional distress, reputational harm, loss of sleep, loss of income, humiliation, embarrassment, loss of time, and other damages. She is also entitled to presumed damages.

46. In addition, the false statements made about Harrison by Defendants were made intentionally, willfully, and maliciously against Harrison and with utter and conscious disregard of her rights.

47. Just as important, to the extent Harrison is required to prove as much¹², Defendants' defamatory statements were made with *New York Times* "actual malice." As explained in, Defendants (i) drafted their story from the perspective of a pre-conceived narrative; (ii) quoted unnamed sources; and (iii) even prefaced one of their defamatory segments about Harrison with the obviously unreliable words of "***Rumor has it***". Further, Defendants, who never spoke with Harrison prior to publishing their story, even admitted in the Article that they were likely harming Harrison's reputation. In a cheeky note, they said: "Obligatory note: Tyra's perspective is not represented in this report, and I'm sure she'd had much to say about these characterizations." In other words, Defendants *knew full well* that they were publishing a slanted version of events but chose to publish their statements anyway. In this regard, then, Defendants published their false statements about Harrison with a high degree of awareness that they were probably false.

48. Finally, no privileges, qualified or absolute, attach to these statements, and Harrison is also entitled to punitive damages in this matter.

¹² Harrison submits that for purposes of her defamation claim in this Complaint, she, as a *former* RPS school official, is a private citizen who is not required to plead or prove *New York Times* actual malice.

WHEREFORE, Harrison respectfully and specifically requests the following relief against Defendants:

- (a) Compensatory and presumed damages in the amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), or some amount as may be determined at trial, to compensate Harrison for all of the damages associated with Defendants' defamation of her;
- (b) Punitive damages in the amount of three hundred fifty thousand dollars (\$350,000) dollars;
- (c) Pre-judgment interest; and
- (d) Associated expenses and costs related to this action and all other such relief as is just and proper.

A TRIAL BY JURY IS DEMANDED.

TYRA HARRISON

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